

REMARKS

Applicants traverse the restriction requirement. Applicants do not believe that examining claims 51 and 52, claim 53 and claims 54 – 63 along with those in the elected group would impose an undue hardship on the examiner and therefore these claims should be examined together in the instant application. Claims 51, 52, 53 and 54 - 63 are subcombinations of claim 37 and an examination of claims 41 and, subsequently, claims 37 – 40 and 42 - 50 should address the subcombinations as well. For instance, claim 37 is drawn to an implantable device while claims 54 – 63 are drawn to a stent, which is an implantable device such that any examination of those claims directed to implantable devices should reveal stents as well. Applicants request that the examiner reconsider the restriction and examine all claims together.

CONCLUSION

The Commissioner is authorized to charge any fee(s) due with the response to the restriction requirement or the IDS to Squire Sanders and Dempsey, L.L.P. Deposit Account No. 07-1850.

If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0200.

Date: April 28, 2005
Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111-3492
(415) 954-0200

Respectfully submitted,


Bernard F. Rose

Reg. No. 42,112

on behalf of Cameron Kerrigan

Reg. No. 44,826

Attorney for Applicant